

REMARKS

Applicant has carefully studied the nonfinal Examiner's Action mailed January 23, 2006, having a shortened statutory period for response set to expire April 23, 2006. The amendment appearing above and these explanatory remarks are believed to be fully responsive to the Action. Accordingly, this important patent application is now believed to be in condition for allowance.

Applicant responds to the outstanding Action by centered headings that correspond to the centered headings employed by the Office, to ensure full response on the merits to each finding of the Office.

Claim Rejections – Double Patenting

Applicant acknowledges the quotation of 35 U.S.C. §112, second paragraph.

Claims 1-8 stand rejected under the non-statutory obviousness-type double patenting doctrine, as being unpatentable over claims 1-12 of U.S. Patent No. 6,706,756 B1. Enclosed herewith is a terminal disclaimer which is in compliance with 37 C.F.R. §1.321(b) and (c). Accordingly, it is respectfully requested that the rejection of claims 1-8 based upon the judicially created doctrine of obviousness-type double patenting be removed.

Claim Rejections - 35 U.S.C. § 112

Applicant acknowledges the quotation of 35 U.S.C. § 112, second paragraph.

Claims 6 and 8 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite in they fail to point out what is included or excluded by the claim language. The Office has stated the claims, as written, amount to omnibus claims.

Although Applicant respectfully disagrees with the finding that claim 6 and 8 are omnibus claims, the amendments above are believed to render the issue moot. Claims 6 and 8 have been amended to include a Markush group consisting of dimer di-gallate in the positive ion mode and dimer di-gallate in the negative ion mode; thereby expressly pointing out what is and is not included in the claim without reference. Accordingly, it is respectfully requested that the rejection of claims 6 and 8 be removed.

Conclusion

Entry of a Notice of Allowance is solicited. If the Office is not fully persuaded as to the merits of Applicant's position, or if an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (813) 925-8505 is requested.

Very respectfully,

SMITH & HOPEN

Dated: April 24, 2006

By: 

Thomas E Toner
Reg. No. 57,422
180 Pine Avenue North
Oldsmar, Florida 34677
Attorneys for Applicant

CERTIFICATE OF FACSIMILE TRANSMISSION
(37 C.F.R. 1.8 (u))

I HEREBY CERTIFY that this Amendment A, including Amendments to the Claims and Remarks, is being transmitted by facsimile to the United States Patent and Trademark Office, Attn: Amelia A. Owens, Art Unit 1625, (571) 273-8300, on April 24, 2006.

Dated: April 24, 2006


Shelley Butz